

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

GLENN PALUMBO

CIVIL ACTION NO. 07-0387

VS.

JUDGE HAIK

**SEA MAR MANAGEMENT, L.L.C.
M/V CAPE KALIKANE**

MAGISTRATE JUDGE METHVIN

***RULING ON UNOPPOSED MOTION TO RECONSIDER COURT'S RULING ON
MOTION TO COMPEL PLAINTIFF TO SUBMIT TO AN IME
(Rec. Doc. 57)***

On October 1, 2007, plaintiff filed the instant motion to reconsider the ruling on defendant's motion to compel plaintiff to submit to an independent medical examination.¹ The motion is set on the undersigned's October 24, 2007 motion date with oral argument in accordance with the undersigned's normal procedures.²

Defendant's motion to compel was granted as the undersigned concluded that plaintiff's physical condition is in controversy and defendant had shown good cause for the independent medical examination. The ruling reflected that no opposition had been filed by plaintiff. Plaintiff now moves for reconsideration of the order as it is (1) moot and (2) because the undersigned appeared concerned that plaintiff had not filed a response. Plaintiff shows that he had agreed to submit to the examination, and that the parties had agreed to the removal of the motion to compel from the court's docket prior to the motion's September 19, 2007 hearing date. Plaintiff also indicates that "according to defendant's counsel, his office called Chambers and asked how they could withdraw the motion. Chambers indicated that Defendant's counsel

¹ Rec. Doc.57.

² Rec. Doc. 60.

should send the letter to the Court. Defendant did so. Exhibit 2.” Such notification was not received by the undersigned but, instead, a review of plaintiff’s submissions shows that the referenced correspondence was sent by facsimile to Judge Richard T. Haik, Sr., at 337-593-5110.


Considering the foregoing,

IT IS HEREBY ORDERED that plaintiff’s motion to reconsider is **GRANTED**.

IT IS FURTHER ORDERED that the order entered on October 1, 2007 is **VACATED**, and defendant’s Motion to Compel Plaintiff to Submit to an Independent Medical Examination is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that the Clerk of Court is to remove Plaintiff’s Unopposed Motion to Reconsider Court’s Ruling on Motion to Compel Independent Medical Examination for the undersigned’s October 24, 2007 motion calendar.

Signed at Lafayette, Louisiana, on October 4, 2007.


Mildred E. Methvin
United States Magistrate Judge
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